

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

TODD OWEN CANIDA,

PLAINTIFF

V.

NO. 1:05CV120-MPM-EMB

LADDIE HUFFMAN & CLAY COUNTY JAIL,

DEFENDANTS

FINAL JUDGMENT

On consideration of the file and record of this action, a hearing having been conducted by the magistrate judge pursuant to 28 U.S.C. §636(b)(1)(B) and *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), the Court finds that the Report and Recommendation of the United States Magistrate Judge dated July 22, 2005, was on that date duly served by regular mail upon the *pro se* plaintiff; that more than ten days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by any party. The Court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated July 22, 2005, is hereby **APPROVED AND ADOPTED** as the opinion of the Court.

2. That plaintiff's Complaint is **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted, counting as a "strike" under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g).

3. That this case is **CLOSED**.

THIS, the 13th day of September, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE